

Existing constitution and existing law create and provide for two fire and police civil service systems:

- (1) One applicable to any municipality which operates paid police and fire departments and which has a population of not fewer than 13,000 persons.
- (2) One applicable to any parish, fire protection district, or municipality with a population of fewer than 13,000 but not fewer than 7,000 persons.

Existing constitution authorizes modifications to such systems (by law adopted by 2/3 of each house of the legislature in the case of provisions of Art. XIV, §15.1 of the 1921 Constitution made statutory by the Constitution of 1974) but prohibits the legislature from abolishing the system or making it inapplicable to covered jurisdictions.

Existing law, applicable to both systems, provides relative to disciplinary actions taken by appointing authorities against employees. Authorizes an employee to appeal a disciplinary action to the local civil service board. Provides with respect to such appeals. As applicable to decisions on appeals in system (1), requires that a member of a local civil service board recuse himself from voting if he is the immediate supervisor or direct work associate of the person appealing and is directly involved in the incident out of which the disciplinary action arose. Provides that the action of the appointing authority shall be considered affirmed if such a recusal results in insufficient votes, as prescribed by existing law, to overturn or modify the action.

New law adds requirement for such recusal to system (2). Adds to both systems a requirement for recusal by any immediate family member of the appealing employee. Provides that immediate family means any parent, child, sibling, or spouse.

Existing law provides relative to appeals of civil service board decisions regarding disciplinary actions. Relative to system (1), provides that a question of recusal shall be grounds for an appeal.

New law provides that a question of recusal shall be grounds for appeal in system (2).

Effective August 15, 1999.

(Amends R.S. 33:2501(D) and 2561)